

The Civil Service Commission has established the Civil Service Adviser to enhance delivery of information on important employment issues and policies affecting the merit system of the City and County of San Francisco.

APPEALS AND HEARINGS OVERVIEW

Civil Service Adviser



The San Francisco Charter charges the Civil Service Commission with the responsibility of establishing Rules, policies, and procedures to carry out the merit system in the City and County of San Francisco. The Charter also provides that a major function of the Commission is to consider merit system appeals. Consideration of appeals is not meant to hinder or impede vital city services or administrative work of departments but to provide a mechanism for the Commission to monitor the status of the merit system and to serve as a check and balance by hearing and resolving merit system issues in a public forum before an independent public body--the Civil Service Commission.

WHAT IS AN APPEAL?

An appeal is a request to review the decision made on a merit system issue by the Human Resources Director or Director of Transportation on matters related to Service-Critical classifications at the Municipal Transportation Agency or the Executive Officer, Civil Service Commission. Appeals may also be filed on a recommendation made by the appointing authority/department head on future employment restrictions following separation.

Appeals are distinguished from protests: A *protest* is a complaint filed on a posted/proposed action or examination matter and is considered to be a request for a first level of review. Unless otherwise stated in the Rules, a decision on a protest is an administrative action that may be appealed to the Civil Service Commission.

Appeals are distinguished from grievances: A *grievance* is a mechanism to resolve issues covered by a collective bargaining agreement on *non-merit system* matters.

Civil Service Commission Rules specify what matters may be appealed and provide the timeframes for filing appeals. There are generally five types of appeals: 1) examination matters; 2) personal services contracts; 3) other matters, such as classification issues or employment discrimination; 4) future employment restrictions, and, unless otherwise covered in a collective bargaining agreement - automatic resignation; and, 5) on a very limited basis - employee compensation matters.

WHO CAN FILE AN APPEAL?

Applicants, employees, advocates, employee organization representatives, departmental representatives, taxpayers or any interested party may file an appeal.

HOW ARE ACTIONS APPEALED?

Civil Service Commission Rules, Policies, and Procedures require that instructions on how to file an appeal and deadlines for filing be included in public postings as well as any correspondence to affected individuals and, when applicable, their representative or advocate.

Appeals must be filed in writing and submitted to the Executive Officer, Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 within the time frames specified in the Civil Service Commission Rules. Appeals may also be filed by fax - (415) 252-3260 followed by an original signed copy submitted to the Commission office. A Request to Appeal form is available on the Civil Service Commission website (www.sfgov.org/civil_service) and in the Civil Service Commission office. Appeals may not be filed by E-mail.

WHAT HAPPENS WHEN AN APPEAL IS FILED?

The Civil Service Commission staff acknowledges receipt of the appeal by letter and notifies the Human Resources Director or in the case of service-critical classifications, the Director of Transportation, MTA. Commission staff transmits the appeal and sets a tentative hearing date before the Civil Service Commission.

The appeal is reviewed to determine if it is timely. Following investigation, if the material submitted in the appeal or additional information presented warrant granting the appeal or changing the administrative action taken, the Department of Human Resources or Municipal Transportation Agency notifies the Civil Service Commission staff and the case is closed.

Should the investigation indicate that the appeal is timely and subject to the jurisdiction of the Civil Service Commission and there is no evidence presented that would cause a change in the administrative action taken, then a staff report is prepared with a recommendation for action and forwarded to the Executive Officer, Civil Service Commission.

The Charter provides that no action of the Human Resources Director shall be stayed during the appeal process except by majority vote of the Civil Service Commission. Examination, classification, or hiring activities do not stop because an appeal is filed unless the Human Resources Director or the Civil Service Commission issues explicit instructions to cease. Appeals should be investigated and resolved in a timely manner--resolution may include a hearing before the Civil Service Commission. Whenever possible, appeals should be resolved or staff reports submitted to the Civil Service Commission for hearing within sixty (60) days. However, more important than meeting a sixty (60) day target for submission to the Civil Service Commission is a thorough, fair and objective investigation. Issues that also affect the scheduling of hearings are: matters that may be subject to grievance procedures that must be resolved prior to a hearing; availability of appellants and advocates; staff resources; discussions between the parties on possible resolution; and investigation of additional information submitted or discovered.

CIVIL SERVICE COMMISSION HEARING

Civil Service Commission hearings on appeals are scheduled at its Regular meetings. The meetings are public and conducted under Robert's Rules of Order and in accordance with the Sunshine Ordinance, Brown Act and other public meeting laws.

When a staff report is received in the Commission office and approved for hearing, staff notifies the appellants, appellant advocates, City staff and other parties as required. Additional information to be considered by the Civil Service Commission must be received by close of business six (6) days before the hearing. Commission meeting materials are delivered to Commissioners four (4) days prior to the scheduled hearing.

Requests to postpone the hearing may be filed by either party in advance of the meeting of the Civil Service Commission. The Executive Officer, Civil Service Commission may administratively approve a reasonable request in advance of the hearing. Requests to postpone may also be heard and acted upon by the Civil Service Commission at its meeting.

At the hearing, departmental representatives present their case to the Civil Service Commission first, then the appellants present their case. The Civil Service Commission considers the written submission and the presentation by the parties and makes a decision. The Commission may request additional information, requiring a postponement of the appeal to another meeting. The Commission's decisions are public and made when the matter is heard. Should an appellant not appear, the Commission acts on the matter based on the written materials submitted.

When taking an action, the Civil Service Commission may uphold, modify or reject the recommendation on the staff report. In all cases, the decision of the Civil Service Commission is final and has the force and effect of law.

QUESTIONS:

Department of Human Resources:
 Merit System Services 557-4923
 Employee Relations Division 557-4990
 Internal Services 557-4849
 Equal Employment Opportunity 557-4832
 Civil Service Commission 252-3247

CIVIL SERVICE COMMISSION

Donald A. Casper, President
 Morgan R. Gorrone, Vice President
 Thomas T. Ng, Commissioner
 Linda Richardson, Commissioner
 Rosabella Safont, Commissioner
 Kate Favetti, Executive Officer

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